

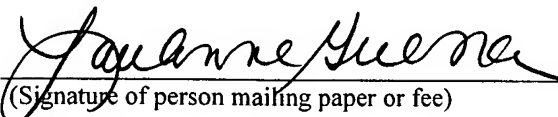
CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER		ATTORNEY'S DOCKET NO. 040275
IN RE APPLICATION OF Hans-Jürgen Schäfer		
Serial No. 10/531,394		Filed April 14, 2005
FOR A Process and an Apparatus for Coating Printed Circuit . . .		
GRP. ART UNIT		EXAMINER

"Express Mail" mailing label number **EV 660997871 US**

Date of deposit: **July 25, 2006**

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to Addressee"
service under 37 CFR 1.10 on the date indicated above and is addressed
to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-
1450

LouAnne Guerra
(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

RECEIVED
9 AUG 2006
Legal Staff
International Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : **PATENT APPLICATION**
:
Hans-Jürgen Schäfer : A PROCESS AND AN APPARATUS FOR
: COATING PRINTED CIRCUIT BOARDS
: WITH LASER-STRUCTURABLE,
: THERMALLY CURABLE SOLDER STOP
: LACQUERS AND ELECTRORESISTS
:
Serial No: 10/531,394 : Group Art Unit: Unassigned
: Examiner: Unassigned
Filed: April 14, 2005 :
(National Phase of PCT/EP03011369, filed October 14, 2003)

Pittsburgh, Pennsylvania 15219
July 25, 2006

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)

Dear Office of PCT Legal Administration:

On December 27, 2006, we filed a Petition under 37 C.F.R. § 1.47(b) on behalf of Atotech Deutschland GmbH ("Petitioner") to proceed with this application on behalf of, and as agent for, the sole inventor, Hans-Jürgen Schäfer, who refuses to execute the Declaration for the application. On April 25, 2006, your Office mailed a "Decision on Petition under 37 C.F.R. 1.47(b)" (copy attached as Ex. 1). In that Decision, the Office stated that the Petition satisfies

items (1), (3) and (6), but is deficient with respect to items (2), (4) and (5). The Office has required that Petitioner submit the materials necessary to satisfy items (2), (4) and (5) of a grantable petition. In response, Petitioner submits the following.

Item (2)

Before item (2) can be considered satisfied, the Office has required Petitioner to provide first-hand evidence (with documentary support) confirming that the inventor has been provided with a Declaration with respect to the present application and has refused to execute said Declaration.

In response, enclosed please find a Declaration of Dr. Thomas Albrecht (Ex. 2) who has first-hand knowledge of inventor Hans-Jürgen Schäfer's refusal to execute the Declaration. As stated in Dr. Albrecht's Declaration, he personally submitted a copy of the present application along with the Declaration and Power of Attorney to Mr. Schäfer for his signature. Mr. Schäfer, on two occasions, refused to execute the Declaration (*see* Ex. 3). For convenience, where the letters are in German, English translations are attached to the letters. Additionally, while the Albrecht Declaration indicates that original Deutsche Post proofs of delivery are attached, copies of such proofs of delivery are attached to the Albrecht Declaration, as the undersigned has maintained the originals for the file in case they are needed in the future.

We believe that the Albrecht Declaration, with its Attachments A-C, combined with Mr. Schäfer refusal, demonstrates that both a copy of the application, as filed, and the Declaration were mailed to the inventor, and that the inventor has refused to sign the Declaration. Petitioner therefore submits that item (2) has been satisfied.

Item 4

Before item (4) can be considered satisfied, the Office has required that Petitioner submit a new Declaration executed on behalf of the non-signing inventor by Atotech.

In response, enclosed herewith is a Declaration executed by Dr. Jorg Wonnemann on behalf of Atotech Deutschland GmbH (Ex. 4). The Declaration expressly identifies Atotech and sets forth the name and capacity of the individual signing on behalf of Atotech, as well as including other information regarding the non-signing inventor. Petitioner submits that item (4) has been satisfied.

Item 5

Before item (5) can be considered satisfied, the Office has required Petitioner to provide copies of the relevant German laws in English.

In response, enclosed please find copies of German Civil Code §§ 398, 403 and 413, as well as § 6 of the German Patent Law, with appropriate English translations (Ex. 5). Petitioner submits that item (5) has been satisfied.

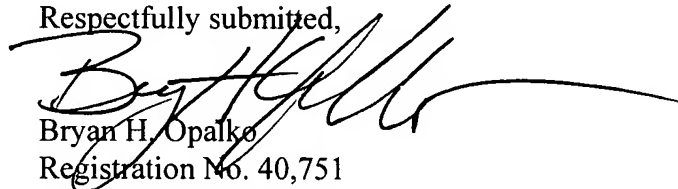
Conclusion

Based on the above submissions, Petitioner submits that items (2), (4) and (5) have been satisfied, and respectfully submits that all requirements for a grantable petition under 37 C.F.R. § 1.47(b) have been met. Petitioner respectfully requests that its Petition be granted and that the present application be accepted without the signature of the sole inventor who has refused to execute the application papers.

It is believed that this communication requires a one (1) month extension of time. Accordingly, a petition for a one (1) month extension of time, along with form PTO-2038 authorizing payment of the \$120.00 extension fee by credit card, are submitted herewith. Should additional fees be required, the Commissioner is hereby authorized to charge Deposit Account No. 02-4800 the necessary amount.

Dated: July 25, 2006

Respectfully submitted,



Bryan H. Opalko

Registration No. 40,751

BUCHANAN INGERSOLL & ROONEY PC

One Oxford Centre

301 Grant Street, 20th Floor

Pittsburgh, Pennsylvania 15219

ph: (412) 562-1893

fx: (412) 562-1041

e-mail: bryan.opalko@bipc.com

Attorneys for Petitioner/Applicant

25 APR 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bryan H. Opalko
BUCHANAN INGERSOLL
One Oxford Centre
301 Grant St., 20th Floor
Pittsburgh, PA 15219

In re Application of:
SCHAFFER, Hans-Jurgen
U.S. Application No.: 10/531,394
PCT No.: PCT/EP03/11369
International Filing Date: 14 October 2003
Priority Date: 14 October 2002
Attorney's Docket No.: 040275
For: A PROCESS AND AN APPARATUS
FOR COATING PRINTED CIRCUIT
BOARDS WITH LASER-
STRUCTURABLE, THERMALLY
CURABLE SOLDER LACQUERS
AND ELECTORESISTS

DECISION ON PETITION UNDER
37 CFR 1.47(b)

This decision is issued in response to the "Petition Under 37 CFR 1.47(b) To Make Application As Assignee On Behalf Of And As Agent For Inventor" filed 27 December 2005. Deposit Account No. 02-4553 will be charged the required \$200 petition fee.

BACKGROUND

On 14 October 2003, applicant filed international application PCT/EP03/11369. The application claimed a priority date of 14 October 2002 and designated the United States. On 29 April 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 April 2005.

On 14 April 2005, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 24 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 27 December 2006, petitioner filed a response to the Notification Of Missing Requirements. The response included payment of the \$130 surcharge for filing the declaration later than thirty months after priority date, and the petition considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, whom petitioner states has refused to execute the application papers.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The present petition satisfies items (1), (3), and (6).

Regarding item (1), petitioner has authorized a charge to Deposit Account No. 02-4553 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required \$200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), where it is asserted that the inventor has refused to execute the application papers, section 409.03(d) of the MPEP states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Here, petitioner has provided a declaration by Ms Ute COLLIN, with accompanying exhibits. This declaration provides a firsthand statement that the nonsigning inventor has been provided with the complete application papers, as required. The materials also show that the inventor was asked to sign a power of attorney in the international application, but that he refused to execute the power of attorney without additional payment. However, the petition does not indicate that the inventor has been provided with, and refused to execute, an oath or declaration with respect to the present United States national stage application. The apparent refusal to execute a power of attorney in the international application is not equivalent to the inventor's refusing to execute an oath or declaration for the United States national stage application (a declaration which would not need to include a power of attorney). Before item (2) can be considered satisfied, petitioner must provide firsthand evidence (with documentary support) confirming that the inventor has been provided with a declaration with respect to the present United States application and has refused to execute such declaration.

Based on the above, the present record does not satisfy item (2).

Regarding item (3), the petition includes an express statement of the last known address of the nonsigning inventor. Item (3) is satisfied.

Regarding item (4), the petition includes a declaration that sets forth the name, residence, and citizenship of the nonsigning inventor, as required and is executed by two other individuals (Dr. Jorg Wonnemann and Dr. Gregor Frank). However, a grantable petition requires that the declaration be executed on behalf of the nonsigning inventor by the 37 CFR 1.48(b) applicant, in this case, Atotech Deutschland GmbH (hereinafter "Atotech"). Petitioner must supply a new declaration executed on behalf of the nonsigning inventor by Atotech. The declaration should expressly identify Atotech and set forth the name and capacity of the authorized person signing the declaration on behalf of Atotech.¹ The declaration must include all other information required by 37 CFR 1.497, including the name, residence, and citizenship of the nonsigning inventor. Until such a declaration is provided, item (4) is not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner here asserts that it has a proprietary right to the invention in the present application based upon German law and the inventor's assignment to Atotech of the underlying German priority applications. Pursuant to MPEP section 409.03(f), a showing of such a proprietary interest requires the following:

an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Petitioner here has provided a "Legal Opinion" from Dr. F. Nielsen, a German attorney, which concludes that under the applicable law, Atotech is "the sole owner" of the German patent applications and patent applications based thereon (including the present US national stage application). Petitioner has also provided a statement from Dr. Thomas Albrecht, a second German patent attorney, who concludes that the inventor no longer has rights in patent applications filed abroad that are based on the German priority applications. Both of these legal

¹ If the title of the person signing on behalf of Atotech does not provide that person with apparent authority to sign on behalf of Atotech, the declaration should expressly state that the person is so authorized. See MPEP § 324(V)

opinions reference specific German laws (Dr. Nielsen relies on German Civil Code sections 398, 403, and 413; Dr. Albrecht relies on section 6 of the German patent law). However, petitioner has not provided copies of these German laws (in the English language), as required by the MPEP. Applicants must provide these additional materials before it can be concluded that an adequate showing has been made regarding Atotech's proprietary interest in the present application. Item (5) is therefore not satisfied.

Regarding item (6), the petition includes the required statement that granting of the present petition is necessary to preserve the rights of Atotech. Item (6) is satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (2), (4), and (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: Unassigned :
Confirmation No. 9107 :
Examiner: Unassigned :
Inventor: Hans-Jurgen Schafer :
Serial No.: 10/531,394 :
Filing Date: April 14, 2005 :
(National Phase of PCT/EP03/011369, filed October 14, 2003)
Attorney Docket No. 040275 :
Title: A Process and an Apparatus for Coating Printed Circuit
Boards with Laser-Structurable, Thermally Curable
Solder Stops Lacquers and Electroresists

DECLARATION OF DR. THOMAS ALBRECHT

I, Dr. Thomas Albrecht, do hereby state as follows:

1. I am a partner at the patent law firm Kraus & Weisert in Munich, Germany.
2. A good faith effort was made to present a copy of the above-named Application, including a Declaration and Power of Attorney, to Hans-Jurgen Schafer. On May 29 and June 2, 2006, I deposited a true and complete copy of the present Application along with a Declaration and Power of Attorney for Mr. Schafer's signature with the Deutsche Post as priority overnight mail addressed to Hans-Jurgen Schafer at his last known address and bearing sufficient postage to be delivered to that address. The copy of the present Application was

identical to that filed with the United States Patent and Trademark Office on April 14, 2005, which is a National Phase of PCT/EP03/011369, filed on October 14, 2003. The copy of the Application and the Declaration and Power of Attorney was not returned. As stated above, the mailing also included an unexecuted copy of the Declaration and Power of Attorney for the present Application (Appendix A), two letters to Mr. Schafer (Appendix B), and a postage-paid Deutsche Post envelope for return of the signed Declaration and Power of Attorney. Originals of the Deutsche Post proof of delivery and prepaid mailing and return labels are attached as Appendix C.

3. The letter of June 2, 2006 to Mr. Schafer stated that failure to execute and return the Declaration and Power of Attorney by June 16, 2006, constituted a refusal to execute the Declaration and Power of Attorney.

4. Mr. Schafer did not execute and return the Declaration and Power of Attorney by June 16, 2006 to us at Kraus & Weisert as requested, and we have not thereafter, to date, received an executed Declaration and Power of Attorney from Mr. Schafer.

I, Dr. Thomas Albrecht, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 28, 2006



Dr. Thomas Albrecht

Kraus&Weisert

Patent- und Rechtsanwälte
European Patent and Trademark Attorneys

Kraus & Weisert · Thomas-Wimmer-Ring 15 · 80539 München

EINSCHREIBEN / RÜCKSCHEIN

Herrn Dipl.-Ing.
Hans-Jürgen Schäfer
Grabenstraße 28
47057 Duisburg

Unser Zeichen

Our Ref.

13621US/mi

Bitte in der Antwort angeben
Please refer to in your reply

Dr. Walter Kraus (– 2002)
Dr.-Ing. Annekäte Weisert (– 2002)
Dr. Thomas Albrecht
Dipl.-Ing. Hans-Jörg Banzer
Dr. Holger Adam
Dr. Inge Hiebl
Dr. Claus Beckmann
Dr. Florian Bertsch
Dr. Andreas Sticht
Dr. Ferdinand Nielsen
Rechtsanwalt

29. Mai 2006

Betr.: Internationale Patentanmeldung PCT/EP2003/011369
- Nationale Phase in den USA -
„Verfahren und Vorrichtung zur Beschichtung von Leiterplatten ...“

Sehr geehrter Herr Schäfer,

von unseren US-Kollegen erhielten wir in Sachen der oben genannten Patentanmeldung die anliegenden Formulare „Declaration of Inventorship“ sowie „Assignment“. Wir bitten höflichst um Unterzeichnung der Formulare und baldmöglichste Rücksendung. Ein entsprechender Freiumschlag ist hierfür beigelegt.

Für Rückfragen stehen wir Ihnen gerne zur Verfügung.

Mit freundlichen Grüßen



Dr. Thomas Albrecht

Anlagen

Formular „Declaration of Inventorship“
Formular „Assignment“
Freiumschlag

Thomas-Wimmer-Ring 15
80539 München

Tel. +49 (0)89 / 290 60-0
Fax +49 (0)89 / 290 60-111
office@kraus-weisert.de
www.kraus-weisert.de

HypoVereinsbank München
Kto.-Nr.: 667 340 080
BLZ: 700 202 70
IBAN: DE96 7002 0270 0667 3400 80
SWIFT: HYVEDEMM

Postbank München
Kto.-Nr.: 851 02-809
BLZ: 700 100 80
IBAN: DE67 7001 0080 0085 1028 09
SWIFT: PBNKDEFF

Translation of Dr. Albrecht's letter dated May 29, 2006 to Mr. Schäfer

Re: International patent application PCT/EP2003/011369
- National phase in the US
"A process and an apparatus for coating printed circuit boards..."

Dear Mr. Schäfer,

Regarding the above-referenced patent application we received the enclosed forms "Declaration of Inventorship" as well as "Assignment" from our US-colleagues. Please be so kind as to sign these forms and return them to us at your earliest convenience. For this purpose please find enclosed a stamped and addressed envelope.

If you have any further questions, please do not hesitate to contact us.

Very truly yours,

Dr. Thomas Albrecht

Encl.
Form "Declaration of Inventorship"
Form "Assignment"
Stamped and addressed envelope

Kraus & Weisert · Thomas-Wimmer-Ring 15 · 80539 München

EINSCHREIBEN / RÜCKSCHEIN

Herrn Dipl.-Ing.
Hans-Jürgen Schäfer
Grabenstraße 28
47057 Duisburg

Unser Zeichen

Our Ref.

13621US TA/mi

Bitte in der Antwort angeben
Please refer to in your reply

Dr. Walter Kraus (– 2002)
Dr.-Ing. Annekäte Weisert (– 2002)
Dr. Thomas Albrecht
Dipl.-Ing. Hans-Jörg Banzer
Dr. Holger Adam
Dr. Inge Hiebl
Dr. Claus Beckmann
Dr. Florian Bertsch
Dr. Andreas Sticht
Dr. Ferdinand Nielsen
Rechtsanwalt

2. Juni 2006

Betr.: US-Patentanmeldung 10/531,394
„Verfahren und Vorrichtung zur Beschichtung von Leiterplatten ...“

Sehr geehrter Herr Schäfer,

vielen Dank für Ihr Schreiben vom 30. Mai 2006, in dem Sie uns mitteilen, dass die Firma Atotech die vertraglich zugesicherte Honorierung für die Übertragung der Prioritätsrechte bis heute nicht geleistet hätte.

Als Anlage fügen wir eine Kopie Ihrer Rechnung vom 31. Januar 2003 (und einen Zahlungsbeleg) bei. Diese Unterlagen belegen, dass die Prioritätsrechte wirksam auf die Firma Atotech übertragen wurden.

Vor diesem Hintergrund möchten wir Sie bitten, die unserem Schreiben vom 29. Mai 2006 beigefügten Unterlagen unterzeichnet an uns zurückzusenden. Der guten Ordnung halber fügen wir als weitere Anlage eine Kopie der oben genannten Patentanmeldung bei. Diese Anmeldung wurde am 14. April 2005 beim US-Patentamt hinterlegt und sie ist die nationale Phase der internationalen Patentanmeldung mit dem Aktenzeichen PCT/EP2003/011369, die am 14. Oktober 2003 beim Europäischen Patentamt eingereicht wurde und in der Sie als Erfinder benannt sind.

Für den Fall, dass uns die unserem Schreiben vom 29. Mai 2006 beigefügten Unterlagen nicht bis zum

16. Juni 2006

unterschrieben zugehen sollten, wird dieser Umstand von dem US-Patentamt als Weigerung angesehen werden, diese Dokumente zu unterschreiben. Bitte sprechen Sie mich an, sofern Sie hierzu Rückfragen haben.

Für Ihre Bemühungen danken wir Ihnen im Voraus und verbleiben

mit freundlichen Grüßen



Dr. Thomas Albrecht

Anlagen

Kopie Ihrer Rechnung vom 31. Januar 2003 (mit Zahlungsbeleg)
Kopie der US-Patentanmeldung 10/531,394

Translation of Dr. Albrecht's letter dated June 2, 2006 to Mr. Schäfer

Re: US patent application 10/531,394

"A process and an apparatus for coating printed circuit boards..."

Dear Mr. Schäfer,

Thank you for your letter of May 30, 2006, informing us that Atotech has not remitted the remuneration agreed upon by contract for assigning the priority rights up to now.

Enclosed please find a copy of your invoice of January 31, 2003 (as well as a document confirming payment). These documents prove that the priority rights have been effectively assigned to Atotech.

In view of the above we would like to ask you to sign the documents enclosed to our letter of May 29, 2006 and return them to us. For the sake of form we also enclose a copy of the above-referenced patent application. This application was filed with the US Patent Office on April 14, 2005 and it constitutes the national phase of the international patent application no. PCT/EP2003/011369, which was filed with the European Patent Office on October 14, 2003 and in which you are named as inventor.

In case we do not receive the documents enclosed to our letter of May 29, 2006 duly signed by

June 16, 2006,

the US Patent Office will consider this as refusal to sign these documents. Please do not hesitate to contact me if you have any questions regarding this.

We thank you in advance for your efforts and remain

very truly yours,

Dr. Thomas Albrecht

Encl.

Copy of your invoice dated January 31, 2003 (including document confirming payment)

Copy of US patent application 10,531,394

ELTEC Brunnenstraße 12/1 79585 Steinen

Atotech Deutschland
Zweigniederlassung Basel
Herr VP.Dr. Max Hunziker
Mattenstraße 26c/0 Ciba SC R -1059
CH-4002 Basel
Switzerland

ALLTAG AG ZÜRICH	
Soll:	Haben:
463390	110110

Betr.

Zeichen

Datum

RECHNUNG

31.01.03

Gemäß Ihrem Schreiben vom 24.01.03 übertrage ich Ihrem Unternehmen meine Rechte an meinen deutschen Patentanmeldungen
Verfahren und Vorrichtung zur Beschichtung von Leiterplatten mit laserbarem thermisch härtbaren Lötstopplacken sowie Galvanoresisten .

14.10.02 AN 102 47 861.9 sowie an den Anmeldungen
29.10.02 AN 102 50 485.7
12.11.02 AN 102 52 897.7
05.01.03 AN 103 00 344.4

Gesamtpreis : 3000.- €

Zahlbar sofort.

Hans-Jürgen Schäfer

 **ATOTECH**

Atotech Deutschland GmbH
Niederlassung Schweiz
Dr. Max Hunziker

[Handwritten signature]

[Handwritten stamp: 10, 31.01.03, 3000.- €]

ELECTRONIC LACK TECHNOLOGIE INGENIEURBÜRO

Brunnenstraße 12/1 79585 Steinen

Tel/Fax 07627 924252 Mobile +49 1778453229

Bank : VOLKSBANK DREILÄNDERECK Konto 777013

Schäfer@eltech-bb.de
BLZ 683900 00

Translation of the invoice of Mr. Hans-Jürgen Schäfer dated January 31, 2003

INVOICE

Referring to your letter of January 24, 2003, I assign my rights in respect of my German patent applications

"A process and an apparatus for coating printed circuit boards with laser-structurable, thermally curable solder stop lacquers and electroresists":

14.10.02	AN	102 47 861.9	as well as of the applications
29.10.02	AN	102 50 485.7	
12.11.02	AN	102 52 897.7	
05.01.03	AN	103 00 344.4	

to your company.

Total: 3,000.00 €

Payment on receipt of invoice

Hans-Jürgen Schäfer

**CREDIT
SUISSE**

8953 Dietikon 1
07 FEB 2003

Rückfragen zu dieser Anzeige:
TEL 0800 88 8871

Unsere Referenz:
KSZZ 3 Z630-0207-15-851-0000 0663
Ihre Referenz:

10. FEB. 2003

Alltax AG Zürich
z.Hd. Herr Rudolf Brauchli
Dorfstrasse 38
8706 Meilen

BELASTUNGSANZEIGE

Konto Nr. 165625-52-2 EUR
IBAN CH77 0466 3016 5625 5200 2
FIRMENKONTO
"F+E BASEL"

KONTO LAUTEND AUF:
Atotech Deutschland GmbH, Berlin
Zweigniederlassung Schlieren
Grabenstrasse 7
Postfach
8952 Schlieren

GEMÄSS AUFTRAG VOM 06 FEB 03

UNSERE SPESEN	EUR	463390/-	- 7.000.00
	EUR	427043/-	13.63
	VAL 07 FEB 03	EUR	7.013.63

ZUGUNSTEN:
777013
DIPL. ING. HANS JUERGEN SCHAEFER
ELECTRONIC LACHR TECHN. ING. BUERO
BRUNNENSTRASSE 12/1
D-79585 STEINEN

KONTO BEI:
//BL68390000
VOLKSBANK DREILAENDERECK EG
D-79585 STEINEN

ZÄHLUNGSGRUND:
RECHNUNG VOM 31.1.03
4000 EUR
RECHNUNG VON 31.1.03
3000 EUR

UNSER KORRESPONDENT:
DZ BANK AG DEUTSCHE ZENTRAL-GENOS
FRANKFURT

FREUNDLICHE GRUESSE

CREDIT SUISSE

Formular ohne Unterschrift



ZV2800SU
ZV2800

S0348P02487 00018461 00003/00005 SB1A 00001021 B

Translation of the debit note issued by CREDIT SUISSE

DEBIT NOTE

Account No. 165625-52-2 EUR
IBAN CH77 0466 3016 5625 5200 2

COMPANY ACCOUNT
"F+E BASEL"

HOLDER OF ACCOUNT:
Atotech Deutschland GmbH, Berlin
Branch Schlieren
Grabenstrasse 7
P.O. Box
8952 Schlieren

ACCORDING TO THE ORDER OF FEBRUARY 6, 2003

OUR EXPENSES	EUR	7,000.00
	EUR	13,63
	-----	-----
VALUE DATE February 7, 2003	EUR	7,013.63

PAYEE:
777013
DIPL. ING. HANS JUERGEN SCHAEFER
ELECTRONIC LACHR TECHN. ING.BUERO
BRUNNENSTRASSE 12/1
D-89585 STEINEN

ACCOUNT WITH:
//BL68390000
VOLKSBANK DREILAENDERECK EG
D-79585 STEINEN

REASON FOR PAYMENT:
INVOICE OF JANUARY 31, 2003
4,000 EUR
INVOICE OF JANUARY 31, 2003
3,000 EUR

OUR CORRESPONDENT:
DZ BANK AG DEUTSCHE ZENTRAL-
GENOS
FRANKFURT

VERY TRULY YOURS,

CREDIT SUISSE

Rückschein National



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Schäfer Hans-Jürgen

Straße und Hausnummer oder Postfach

Graebenstraße 28

Postleitzahl, Ort

47057 Duisburg

Empfangsbestätigung

Name und Vorname in GROSSBUCHSTABEN

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06.06.06

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Schäfer, Hans-Jürgen

Straße und Hausnummer oder Postfach

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47057 Duisburg

Empfangsbestätigung

Name und Vorname in GROSSBUCHSTABEN

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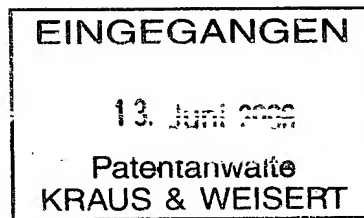
Datum: 06.06.06 x Empfangsberechtigter: Unterschrift

Dipl. Ing. Hans-Jürgen Schäfer Grabenstraße 28 47057 Duisburg

Hans-J. Schäfer Grabenstraße 28 47057 Duisburg

An die Patentanwälte
Kraus & Weiser
Herrn Dr. Thomas Albrecht
Thomas- Wimme Ring 15
80539 München

Betr. 13621 US/mi
PCT /EP 2003/011369
US 10/531,394



11.06.06

Sehr geehrter Herr Dr. Albrecht ,

Ich darf Ihnen in obiger Angelegenheit mitteilen, dass ich mich in meiner Rechnung vom 31.01.03 auf das Schreiben von ATOTECH vom 24.01.03 beziehe, in dem die 3000 EUR als Schreibkosten deklariert sind.

Die Fa. ATOTECH brauchte für die Prioritätsrechte keine gesonderte Zahlung leisten, wenn diese innerhalb des Zusammenarbeitsvertrages entstehen. Indem die Fa. ATOTECH von mir kostenlos die Erfindung angenommen hat, hat sie den Zusammenarbeitsvertrag in Kraft gesetzt. Das heisst , dass der Vertrag mit der kostenlosen Übertragung auch zur Zahlung fällig war, eine Option hat daher nicht mehr bestanden.

Diese Vertragserfüllung fordere ich nunmehr ein. nach den üblichen Tagessätzen für Ingenieurdienstleistungen von 1000.- EUR pro Tag beträgt daher meine Forderung **250 000.€**

Wenn die Fa. ATOTECH bereit ist diese Erfindung entsprechend den Vereinbarungen zu honorieren, werde ich die Vollmachten unterschreiben.

Mit freundlichen Grüßen,

Ihr Hans-Jürgen Schäfer

Translation of Mr. Schäfer's letter dated June 11, 2006 to Dr. Albrecht

Re: 13621 US/mi
PCT/EP 2003/011369
US 10/531,394

Dear Dr. Albrecht,

Regarding the above-referenced matter I am pleased to inform you that in my invoice of January 31, 2003 I refer to ATOTECH's letter of January 24, 2003 referring to the amount of EUR 3.000,- as typing fees.

ATOTECH did not have to make any special payment for the priority rights if they were obtained within the framework of a cooperation contract. By accepting this invention from me free of charge, ATOTECH has put the cooperation contract into force. That means that within the scope of this contract the amount was due after the invention had been assigned free of charge. So, the payment is not optional any longer.

Now, I request compliance with the contract. According the common daily rates for engineering services of EUR 1.000,- a day, I charge for my services EUR 250.000,-.

If ATOTECH is prepared to remunerate this invention in accordance with the contract, I will sign the authorizations.

Very truly yours,

Hans-Jürgen Schäfer

Dipl. Ing. Hans-Jürgen Schäfer Grabenstraße 28 47057 Duisburg

TA

Hans-J. Schäfer Grabenstraße 28 47057 Duisburg

An die Patentanwälte
Kraus & Weiser
Herrn Dr. Thomas Albrecht
Thomas- Wimme Ring 15
80539 München

EINGEGANGEN

31. Mai 2006

Patentanwälte
KRAUS & WEISERT

Betr. 13621 US/mi
PCT /EP 2003/011369

30.05.06

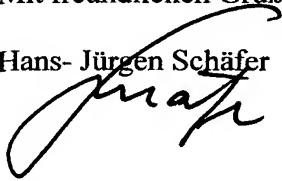
Sehr geehrter Herr Dr. Albrecht ,

1.15.06. ✓

die von ihnen angeforderten“ Declaration of Inventorship“ sowie „ Assigment „ können von mir nicht unterzeichnet werden, da der Anmelder (Fa. ATOTECH) die vertraglich zugesicherte Honorierung für die Übertragung der Prioritätsrechte bis heute nicht geleistet hat.

Mit freundlichen Grüßen

Hans- Jürgen Schäfer



Translation of Mr. Schäfer's letter dated May 30, 2006 to Dr. Albrecht

Re. 13621 US/mi
PCT/EP 2003/011369

Dear Dr. Albrecht,

I cannot sign the „Declaration of Inventorship“ as well as the „Assignment“ as requested by you because, to this date, the applicant (the company ATOTECH) has not remitted the remuneration stipulated for assigning the priority rights.

Very truly yours,

Hans-Jürgen Schäfer

Box No. VIII (iv) DECLARACIÓN DE INVENTORSHIP (only for the purposes of the de... of the United States of America)
The declaration must conform to the following standardized wording provided for in Section 214: see Notes to Boxes Nos. VIII, VIII (i) to (v)
(in general) and the specific Notes to Box No VIII (iv). If this Box is not used, this sheet should not be included in the request

Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))
for the purposes of the designation of the United States of America:

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No PCT/EP 2003/011369... (if furnishing declaration pursuant to Rule 26ter) and U.S. Application No. 10/531,394 filed 14 October 2003

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications: 10247861.9, DE, 14/10/2002; 10250485.7, DE, 29/10/2002;
10252897.7, DE, 12/11/2002; 10300344.4, DE, 05/01/2003

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Name: Hans-Jürgen Schaefer

Residence: Grabenstrasse 28, 47057 Duisburg, Germany
(city and either US state, if applicable, or country)

Mailing Address: Grabenstrasse 28, 47057 Duisburg, Germany

Citizenship: German

Inventor's Signature: Date:

Dr. Jorg Wonnemann,

Title: Patent Manager of Atotech
Deutschland GmbH, on behalf of
and as agent for the sole inventor,
Hans-Jürgen Schaefer

Agent's Signature: Jörg Wonnemann

Date: June 23, 2006

Citizenship: GERMAN

☐ This declaration is continued on the following sheet, "Continuation of Box No VIII (iv)"

Excerpt from the German Civil Code

<p>§ 398 Abtretung</p> <p>Eine Forderung kann von dem Gläubiger durch Vertrag mit einem anderen auf diesen übertragen werden (Abtretung). Mit dem Abschluss des Vertrags tritt der neue Gläubiger an die Stelle des bisherigen Gläubigers.</p>	<p>§ 398 Assignment</p> <p>A creditor can assign a claim to another creditor by means of a contract with the same (assignment). Upon concluding the contract the new creditor replaces the previous creditor.</p>
<p>§ 403 Pflicht zur Beurkundung</p> <p>Der bisherige Gläubiger hat dem neuen Gläubiger auf Verlangen eine öffentlich beglaubigte Urkunde über die Abtretung auszustellen. Die Kosten hat der neue Gläubiger zu tragen und vorzuschießen.</p>	<p>§ 403 Obligation to authenticate</p> <p>The previous creditor has to furnish the new creditor on request with a document confirming the assignment, attested by a notary public. The costs are to be borne and advanced by the new creditor.</p>
<p>§ 413 Übertragung anderer Rechte</p> <p>Die Vorschriften über die Übertragung von Forderungen finden auf die Übertragung anderer Rechte entsprechende Anwendung, soweit nicht das Gesetz ein anderes vorschreibt.</p>	<p>§ 413 Assignment of other Rights</p> <p>The regulations for the assignment of claims apply to the assignment of other rights accordingly, provided that it is not stipulated otherwise by law.</p>

§ 4

Eine Erfindung gilt als auf einer erfinderischen Tätigkeit beruhend, wenn sie sich für den Fachmann nicht in naheliegender Weise aus dem Stand der Technik ergibt. Gehören zum Stand der Technik auch Unterlagen im Sinne des § 3 Abs. 2, so werden diese bei der Beurteilung der erfinderischen Tätigkeit nicht in Betracht gezogen.

§ 5

(1) Eine Erfindung gilt als gewerblich anwendbar, wenn ihr Gegenstand auf irgendeinem gewerblichen Gebiet einschließlich der Landwirtschaft hergestellt oder benutzt werden kann.

(2) Verfahren zur chirurgischen oder therapeutischen Behandlung des menschlichen oder tierischen Körpers und Diagnostizierverfahren, die am menschlichen oder tierischen Körper vorgenommen werden, gelten nicht als gewerblich anwendbare Erfindungen im Sinne des Absatzes 1. Dies gilt nicht für Erzeugnisse, insbesondere Stoffe oder Stoffgemische, zur Anwendung in einem der vorstehend genannten Verfahren.

§ 6

Das Recht auf das Patent hat der Erfinder oder sein Rechtsnachfolger. Haben mehrere gemeinsam eine Erfindung gemacht, so steht ihnen das Recht auf das Patent gemeinschaftlich zu. Haben mehrere die Erfindung unabhängig voneinander gemacht, so steht das Recht dem zu, der die Erfindung zuerst beim Patentamt anmeldet hat.

Section 4

An invention shall be considered as being based on inventive activity if, having regard to the state of the art, it is not obvious to a person skilled in the art. If the state of the art also includes documents within the meaning of Section 3, Subsection 2, these documents are not to be considered in deciding whether there has been any inventive activity.

Section 5

(1) An invention shall be considered as susceptible of industrial application if it can be made or used in any field of industry or trade, including agriculture.

(2) Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body shall not be regarded as inventions which are susceptible of industrial application within the meaning of Subsection 1. This provision shall not apply to products, in particular substances or compositions, for use in any of these methods.

Section 6

The inventor or his successor in title shall have the right to the patent. If two or more persons have made an invention together, the right to the patent shall belong to them jointly. If two or more persons have made the invention independently of one another, the right to the patent shall belong to the person who has first filed an application for a patent for the invention with the Patent Office.